IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.5480 OF 2004

Tabarak Hussain Shaikh & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr.P.N.Wagh for Applicants.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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**CORAM: A.M.KHANWILKAR, J.**

**JANUARY 19, 2005.**

**P.C.**

1. Heard Counsel for the parties.

2. Having regard to the nature of offence and the injuries caused and the material to indicate the complicity of the Applicants, not a case for bail.

3. Counsel for the Applicants, however, submits that accused No.4 has been released on bail by the lower Court, for which reason, the

Applicants should be released on parity. This submission, however, overlooks that the sole basis on which the lower Court has released the accused No.4 on bail, is that no identification parade is held, so far as he is concerned. That reason is unavailable, so far as the present Applicants are concerned, inasmuch as identification parade has been held and the accused were identified. The witnesses have spoken about the overt act of the Applicants. Accordingly, not a case for bail. Rejected.

4. The Principal Judge, Sessions Court, Greater Bombay is directed to assign the case to the Fast Track Court, if already not done, to ensure early disposal of the trial.

5. Application disposed of on the above terms.

A.M.KHANWILKAR, J.